

IN THE UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF NEBRASKA

|                        |   |           |
|------------------------|---|-----------|
| FRANCISCO ROBLES,      | ) |           |
|                        | ) |           |
| Petitioner,            | ) | 8:08CV280 |
|                        | ) |           |
| v.                     | ) |           |
|                        | ) |           |
| U.S. ATTORNEY GENERAL, | ) | ORDER     |
| Agent(s), et al.,      | ) |           |
|                        | ) |           |
| Respondents.           | ) |           |
|                        | ) |           |

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This matter is before the Court on plaintiff's motion for status (Filing No. 13.) In his motion for status, plaintiff states that he "wishes to know the current status" of this matter.

Plaintiff filed this action on June 10, 2008, along with a motion to proceed in forma pauperis (Filing Nos. 1 and 2.) However, plaintiff did not submit a certified trust account statement with his motion. Therefore, the Court can take no action in this matter until plaintiff either submits the \$350.00 filing fee or a certified trust account statement. Because this matter has been pending for nearly six months, plaintiff shall have until January 5, 2009, to either pay the entire \$350.00 filing fee or submit a certified trust account statement. In the event that plaintiff fails to comply with this order, this matter will be dismissed without prejudice and without further notice.

Also pending is plaintiff's motion for interlocutory appeal (Filing No. 10.) As set forth in 28 U.S.C. § 1292(b), an

interlocutory appeal is warranted if the decision sought to be appealed involves a controlling question of law as to which substantial grounds for difference of opinion exist, so that an immediate appeal could materially advance the ultimate termination of this litigation. 28 U.S.C. §1292(b). Here, no such "controlling question of law" is implicated. Because of plaintiff's failure to pay the filing fee or submit a certified trust account statement, the Court has not entered any decisions in this matter, except for this order. Thus, there is no decision to appeal and no "controlling question of law" at issue. The motion will be denied. Accordingly,

IT IS ORDERED:

1. Plaintiff shall have until **January 5, 2009**, to pay the entire \$350.00 filing fee or submit a certified trust account statement in support of his motion to proceed in forma pauperis. In the event that plaintiff fails to comply with this order, this matter will be dismissed without prejudice and without further notice.

2. Plaintiff's motion for status (Filing No. 13) is denied as moot.

3. Plaintiff's motion for leave to file interlocutory appeal (Filing No. 10) is denied.

DATED this 8th day of December, 2008.

BY THE COURT:

/s/ Lyle E. Strom

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LYLE E. STROM, Senior Judge  
United States District Court